

Esquenet, Margaret

From: dan.hampton@hklaw.com
Sent: Tuesday, March 21, 2006 6:02 PM
To: Esquenet, Margaret
Cc: Hornick, John; MCOOPER@ORRICK.COM; Bhanu.Sadasivan@hellerehrman.com; jwalker@orrick.com; robert.hawk@hellerehrman.com; Grabow, Troy; Hart, Pat; rnagel@orrick.com; HOPGUY@Orrick.com; joczek@proskauer.com; NCHATTERJEE@Orrick.com
Subject: RE: Discovery Conference Followup

Margaret:

On behalf of defendant Saverin, our position with respect to the proposed amendments is as follows:

- (1) It does not appear to us that the proposed amendments affect the claims against our client;
- (2) Because the proposed amendments may affect the claims against the Facebook Defendants, we believe that Orrick's request (not set forth below but discussed extensively elsewhere) that ConnectU provide answers to certain questions they have put forward is reasonable;
- (3) Because ConnectU is unable or unwilling to provide answers to those requests, we are not prepared to assent to a motion we have not yet had the chance to review without further explanation;
- (4) Although if the proposed amendments are confined to those you have listed below and are satisfactorily explained by your proposed motion, we do not currently believe that we would file an independent opposition such a motion, we have to reserve any final judgment about whether we would oppose it or join any opposition that Orrick might make on behalf of the Facebook Defendants until we see the motion.

Let me know if you have any further questions.

Regards,
Dan
Holland + Knight
Daniel K. Hampton
Partner
Holland & Knight LLP

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-----Original Message-----

From: Esquenet, Margaret [mailto:margaret.esquenet@finnegan.com]
Sent: Tuesday, March 21, 2006 5:41 PM
To: Hornick, John; Cooper, Monte; Bhanu.Sadasivan@hellerehrman.com
Cc: Walker, Joshua; dan.hampton@hklaw.com; robert.hawk@hellerehrman.com; Grabow, Troy; Hart, Pat; Nagel, Robert; Guy, Hopkins; Joczek; Chatterjee, I. Neel

Subject: RE: Discovery Conference Followup

Dear Bhanu:

We still have not received Defendant Saverin's response to ConnectU's request for consent to amend the Complaint. Although you indicated that others in your firm would address the issue, we have yet to receive any such correspondence.

We look forward to your early reply.

Sincerely,
Margaret

Margaret A. Esquenet
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-----Original Message-----

From: Hornick, John
Sent: Friday, February 24, 2006 6:34 PM
To: 'Cooper, Monte'; Bhanu.Sadasivan@hellerehrman.com
Cc: Walker, Joshua; dan.hampton@hklaw.com; robert.hawk@hellerehrman.com; Grabow, Troy; Esquenet, Margaret; Hart, Pat; Nagel, Robert; Guy, Hopkins; Joczek; Chatterjee, I. Neel
Subject: RE: Discovery Conference Followup

Dear Monte and Bhanu:

We wish to amend paragraph 48 of the First Amended Complaint to read as follows:

"48. The actions of Defendants Zuckerberg, Moskovitz, McCollum, and Hughes described above constitute unfair or deceptive acts or practices in the conduct of trade or commerce within the meaning of M.G.L. ch. 93A, §§ 2, 9, and/or 11."

We also wish to amend the heading of the Second Claim for Relief to read as follows:

"SECOND CLAIM FOR RELIEF
Misappropriation of Trade Secrets
Massachusetts G.L. ch. 266, § 30(4) and ch. 93, § 42"

We also wish to amend Prayer for Relief G to read as follows:

"G. Other relief as the Court may deem appropriate, including increased damages available under applicable law."

We also wish to amend paragraph 5 to read as follows:

"5. Defendant Mark Zuckerberg is an individual and citizen of California."

Do Facebook Defendants (and Saverin) consent to these amendments? If not, we plan to raise them with the Court at the March 3, 2006 hearing.

Sincerely,

John

John F. Hornick
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